

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELIJAH COBURN and DONNA COBURN,

Plaintiffs,

Case Number 11-14404
Honorable David M. Lawson

v.

CITY OF WARREN, ROBERT HORLOCKER,
DONALD VIARS, LOUIE LAREDO WINGARD,
and RANDAL RICHARDSON,

Defendants.

**ORDER DENYING PLAINTIFFS' MOTION TO DEEM ADMISSIONS, DETERMINE
SUFFICIENCY OF DEFENDANT WAYNE COUNTY'S DISCOVERY RESPONSES,
AND FOR SANCTIONS**

The matter is before the Court on the plaintiffs' motion to deem admissions as admitted, determine sufficiency of defendant Wayne County's discovery responses, and for sanctions. The plaintiffs have not stated in their motion whether plaintiffs' counsel sought concurrence in the relief requested from counsel for the defendants, as plaintiffs' counsel was obliged to do under the local rules. *See* E.D. Mich. LR 7.1(a). In this district, movants must seek concurrence in the relief requested before filing a motion for relief in this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The plaintiffs do not state in their motion that concurrence was sought from the defendants before filing the motion. "It is not up to the Court to expend its energies when the parties have not

sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996).

The plaintiffs have filed their motion in violation of the applicable rules. Therefore, the Court will deny it.

Accordingly, it is **ORDERED** that the plaintiff’s motion to deem admissions as admitted, determine sufficiency of defendant Wayne County’s discovery responses, and for sanctions [dkt. #15] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 11, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 11, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL